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Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)

Promotion of Competitive Networks)
In Local Telecommunications Markets)

WT Docket No. 99-217

Wireless Communications Association)
International, Inc. Petition for Rulemaking to)
Amend Section 1.4000 of the Commission's Rules)
To Preempt Restrictions on Subscriber Premises)
Reception or Transmission Antennas Designed)
To Provide Fixed Wireless Services)

FILED

AUG 16 1999

FCC

Cellular Telecommunications Industry)
Association Petition for Rule Making and)
Amendment of the Commission's Rules)
To Preempt State and Local Imposition of)
Discriminatory and/or Excessive Taxes)
and Assessments)

Implementation of the Local Competition)
Provisions in the Telecommunications Act)
of 1996)

CC Docket No. 96-98

COMMENTS/REPLY COMMENTS

FROM: Gretchen Overdurff, CMCA®, AMS, RCM
General Manager
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Hamilton Place
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August 12, 1999

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SUMMARY: The Board of Directors of Greenbelt Homes, Inc., urges you not to enact forced entry provisions that would allow telecommunication providers to use association property at will to install wiring and equipment regardless of an association's concerns or interest because of the effects it would have upon our community.

Re: WT Docket Number 99-217
CC Docket Number 96-98

This is being written in response to the FCC's call for comments on the subject of mandated forced entry privileges for telecommunication providers.

As General Manager, I represent a member owned cooperative community in "old" Greenbelt of 1,600 homes, mostly multiple dwellings (townhome or row house) but with some free standing homes and two apartment buildings. Greenbelt has been a community since the late 1930s. In our cooperative, we have established policies on the use of the property which are actually quite liberal considering the historic nature of the community, and we have a procedure for members to petition the Board of Directors for exceptions to these policies. We have an annual operating budget of over \$7 million. Greenbelt Homes is listed on The National Register of Historic Places and is currently seeking the local historic district status.

Currently our community is served by multiple telecommunications providers. The incumbent telephone company and cable company currently have no competitors. However, it is likely that within the next several months there will be competition in both of these areas, as a competitor is negotiating an agreement with the county to provide multiple telecommunication services. Satellite television is available to our members and is being provided by several different services.

Our present policy requires that any telecommunication provider or other provider of services be granted permission to enter our association's property in order to install

equipment, particularly those that require access to the crawl spaces of the homes, which extend continuously under several row homes in each building. Our Maintenance Department works cooperatively with these providers in granting access during business hours as the crawl space area is kept locked. The Cooperative has certain rules to safeguard the property. While we do not prevent members from having satellite dishes or antennas, we have requirements for their use, which are designed to address safety and to eliminate damage to property. These requirements are enforced with telecommunication providers as well. While we do not refuse a provider to deliver service to individuals within the association, we do ask that they comply with the Cooperative's rules and regulations. Minor damage has occurred to the Cooperative's property and that of members in the past, however, it has generally been resolved satisfactorily with the provider. Currently some equipment owned by telecommunication providers is accessible from the exterior of buildings. These providers have free access at any time to enter member's yards or the common areas to gain access to their equipment. To gain access to property that is housed in the crawl space beneath buildings, however, requires authorization for entry from the cooperative's management. In the past, some providers have cut the locks to the crawl space and have gained access without the co-op's authorization.

Currently, there are no exclusive use agreements in effect with Greenbelt Homes. It is quite possible that there will be a competitor entering the market in our community offering multiple telecommunication services. This will likely result in an agreement between the provider and Greenbelt Homes, however, it will not be an exclusive use agreement and will not prohibit residents from choosing other providers for their

telecommunication services. GHI has never prohibited any provider from installing equipment in our cooperative community, providing they have the proper permits and approval from the county and the city of Greenbelt.

Regarding the potential impact of forced entry regulations on our community, we see the potential for uncontrolled damage to property and safety issues. In addition, there may be space constraints, as our homes are small and the construction design may impose some problems with installation of equipment. The crawl spaces under the homes house a number of different utility lines and equipment. In order to protect our equipment and that of other providers it is necessary to keep this space locked. In addition, it discourages any unauthorized person from entering the space, which is a safety concern to our residents. If any damage should occur to equipment housed in the crawl spaces it will be difficult to determine the person or persons responsible if open unlimited access to this space is allowed.

With regard to the impact of the OVER THE AIR RECEPTION DEVICES RULE (OTARD) we are not in favor of extending this rule to invalidate certain association antennae restrictions that exist. Our members have always been allowed to install satellite dishes and antennas. However, no type of antennae may be installed on the roofs in order to protect the structures themselves. A number of our homes have slate roofs that could be easily damaged by the installation of antennas. Other roofs are rubber membranes, and the warranty on these could easily be voided by improper attachment or repair. We have relatively few requests for antennas and we do not have a great number throughout our community. We have generally been able to work with our residents to meet their needs while still maintaining the integrity of our buildings, and we believe it is

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important to allow associations to continue to set the standards by which their communities are governed.

Our Board of Directors urges you not to enact forced entry provisions that would allow telecommunication providers to use association property at will to install wiring and equipment regardless of an association's concerns or interest because of the effects it would have upon our community.

Thank you for your consideration of our concerns.

Respectfully submitted,

GREENBELT HOMES, INC.

A handwritten signature in cursive script, reading "Gretchen Overdurff".

Gretchen Overdurff, CMCA®, RCM, AMS
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